



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF MANAGEMENT AND BUDGET

MEMORANDUM

TO: Cabinet Members  
Agency Heads

FROM: Jennifer W. Davis, Director  
Office of Management and Budget

DATE: November 22, 2005

SUBJECT: Vehicle Use Policy

As was indicated in a memorandum issued September 28, 2005 concerning Fleet Program Improvements, enclosed for your information is a revised policy for the housing of a State vehicle near to or at an employee's home and the resulting commute benefit the employee receives.

This policy, pursuant to Delaware Code, Title 29 §7106, establishes guidelines, approved by the Governor, that allow the Director of the Office of Management and Budget, provided adequate justification from the requesting agency, to allow: 1) specific employees to park a state-owned vehicle at their residence, 2) specific vehicles to be parked at non-duty station locations after normal duty hours and 3) specific employees to drive state-owned vehicles for incidental personal use during prescribed working hours. Please note that the state self-insurance plan covers vehicles and occupants only when the vehicle is used in congruence with this policy.

In concert with the policy revision and the knowledge that some employees do not have authorization to use a vehicle in this manner, it is requested that your agency complete new forms and provide updated information. The forms (samples enclosed) have been revised and require new information and expanded justifications for both housing a vehicle at an employee's home and exemption from "State Owned" license plates. Also required will be the resubmission of Authorized Driver Designation forms (ADD) for all employees utilizing Fleet Services vehicles. Please note that the authorizations for housing a vehicle at an employee's home and the license plate exemptions cover all State vehicles, regardless of ownership except than those specifically cited in Delaware Code, Title 29, §7107.



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The forms seeking vehicle housing and/or exemption for State Owned license plates must be submitted no later than December 15, 2005 to allow time for review and return prior to the first of the year. Please remember that all current authorizations will expire on December 31, 2005.

The ADD forms, which constitute almost 8000 drivers, must be submitted no later than January 15, 2006. All requested forms may be found on the OMB, Fleet Services web site. All completed forms should be forwarded to Fleet Services (SLC D-100) for processing.

Also included in the process improvements is a need to justify for reservation purposes (blocked or daily rent) the use of any vehicle type other than the most cost effective for the state which is a mid sized sedan. Any requests for vehicle types must be based on demonstratable need or accommodations made for acceptable reasons. All block vehicles will be requested to submit this justification no later than December 15, 2005 to allow for review and return prior to the first of the year. Current block reservations will expire on December 31, 2005.

As noted in the September memorandum, it is incumbent upon all to search for better methods, contain costs and spend wisely wherever possible. This review is in the spirit of that challenge. Your cooperation in reviewing your vehicle resource use and meeting the submission deadlines will be greatly appreciated. If you have any questions please do not hesitate to contact Dean Stotler, Director of Government Support Services at (302) 739-6909.

Enclosures

## POLICY CONCERNING EXEMPTIONS FOR USE OF STATE OWNED VEHICLES

### I. Authority

This Policy is adopted pursuant to Title 29, §7106 of the Delaware Code, which directs the Director of the Office of Management and Budget to promulgate a policy concerning exemptions to 29 Del. C. §7106(a), (b) which limit the use of state-owned vehicles. The Policy defines limited exemptions which, (1) allows Control Employees and Non-Control Employees to drive a state-owned vehicle for incidental personal use during Prescribed Working Hours, (2) allows Control Employees and Non-Control Employees to park a state-owned vehicle at their residences, and (3) allows certain state-owned vehicles to be parked at locations other than the state agency, school district office or motor pool location to which the vehicle is otherwise assigned.

### II. Purpose and Rationale

#### A. Control Employee

This Policy, which is congruent with PHRST Policy PRU-VEH-01, designates certain employees for the above-referenced exceptions and sets forth the basis for the exemptions. It also establishes a process by which requests for the designation of “Control Employee” will be considered. Among other things, it is the purpose of this Policy to allow the use of the exemptions in situations that facilitate, promote and encourage efficient utilization of the resources of key state employees. The Policy recognizes that severe demands are placed on Control Employees, that they perform functions critical to the interests of the public, and that the exemption Policy therefore should be implemented in a manner that will optimize the productive use of the time available to such employees. The Policy also recognizes that many Control Employees have more than one office and/or that they are required for work purposes to travel to diverse locations in the state, sometimes with little or no notice. For

example, Agency Heads may have offices in the capital and Wilmington and often are called on to be in both locations during the workweek, and occasionally on the same day. Likewise, school superintendents on a frequent basis visit schools situated in diverse locations within the school districts. Thus, the responsibilities of Control Employees require frequent travel.

Although the Office of Management and Budget operates the state motor vehicle fleet in a fashion that minimizes the time required to pick up and return a state vehicle at agency offices and motor pool locations, the most efficient system from a time-management perspective allows the use of state-owned vehicles in a manner that permits Control Employees to park vehicles at a place, such as their residence, that enables them to drive directly to the location of their business activities on any given day.

Historically, Control Employees cited in this Policy have used state-owned vehicles for the purposes allowed herein. This Policy does not allow employees to use state-owned vehicles for out-of-state travel unless on official business. However, it does allow for auxiliary uses within the state to account for the day-to-day demands placed on Control Employees and the practical use of the exemptions. For example, a Control Employee who takes a state-owned vehicle home would be allowed under the Policy to park the vehicle at a pharmacy to pick up a prescription, or pick up a child in day care on the trip home rather than be required to travel home, switch to his or her personally owned vehicle and drive to the pharmacy or child care location.

The Policy provides a method by which the Director will consider applications for employees to be designated as Control Employees for purpose of the Policy. Applications ordinarily will be filed by the Governor's Office or agency heads, and shall include information requested by the Director explaining how the designation of "Control Employee" would serve the purposes of the Policy. It should be noted approval to use a state vehicle under the policy does NOT exempt an employee from reporting imputed income associated with the commuting use of a State vehicle to

PHRST. The method and amount of valuation will be determined under PHRST End User Procedures PRU-VEH-01.

B. All Employees:

The Policy allows certain employees and vehicles to qualify for an exemption on a limited basis without regard to whether the use is for a Control Employee. For example, vehicles may be parked away from the agency or motor pool site to which they are normally assigned for security and safety reasons. The Policy also allows for the Director to permit, on a daily basis, state employees to park a state-owned vehicle at a location other than a state agency, school district office or motor pool location.

III. Definitions

For purpose of this Policy the following definitions shall apply:

1. “Auxiliary Use” means (1) the driving of a state-owned vehicle within the State of Delaware, including to and from the employee’s residence, for incidental personal benefit during Prescribed Working Hours or (2) the parking of a state-owned vehicle at locations within the State of Delaware other than at the assigned motor pool, agency site or school district office where such would not, absent this Policy, be permitted. Auxiliary Use includes the driving of a state-owned vehicle for reasonable distances, and/or the parking of a state-owned vehicle for reasonable time periods, for the convenience of the employee, consistent with the purposes set forth above. Auxiliary Use includes the carrying of passengers who are not state employees only to or from an employee’s residence, and only if such passengers are members of such Control Employee’s immediate family, as defined in Chapter 2.0000 of the state’s Merit Rules.

2. “Cabinet Secretary or Agency Head” means a member of the Governor’s cabinet.
3. “Exemption” means the exemption referenced in 29 Delaware Code §7106(c).
4. “Control Employee” means the Governor’s Chief of Staff, the Governor’s Senior Advisor, the Governor’s Communications Director, the Governor’s Legal Counsel and Deputy Legal Counsel, any Cabinet Secretary or Agency Head, the Chief Justice of the Delaware Supreme Court, any superintendent of a public school district and any other employee designated as a Control Employee pursuant to Section V of this policy.
5. “Policy” means this policy titled “Policy Concerning Exemptions for Use of State-Owned Vehicles.”
6. “Prescribed Working Hours” means any time during which an employee is acting on behalf of the state as part of his/her job function whether or not during regular working hours. For example, travel to or from an evening meeting would be during Prescribed Working Hours.
7. “Director” means the Director of the Office of Management and Budget of the State of Delaware.

#### IV. Exemptions

##### A. Control Employee Exemptions

A Control Employee is allowed to use a state-owned vehicle for Auxiliary Use provided that his or her work-related business activities or an emergency warrants the regular assignment of a state-owned vehicle to such Control Employee. The Director or his/her designee shall make such assignments in a manner that takes into account the purpose/rationale of this Policy.

B. Other Exemptions

Employees, other than Control Employees, may utilize a state-owned vehicle for Auxiliary Use under this Policy for any of the following reasons:

1. The Director determines on a case-by-case basis that a vehicle would not be secure unless an exemption is utilized.
2. For the period of time an employee is on “stand-by” duty under Merit Rule 5.1440.
3. There are other compelling circumstances that in the judgment of the Director warrant utilization of the exemption.

C. Director’s Authority Reserved

In granting an exemption under this Policy, the Director may place additional restrictions upon the Auxiliary Use of any state-owned vehicle. In addition, the Director may, at his/her discretion, revoke any exemption granted pursuant to this Policy, should the Director become aware of unauthorized use of any state-owned vehicle by a Control Employee, or other employee exempted under this Policy.

Approved exemptions will be effective commencing January 1 and expire December 31 of each year. Requests for the next year shall be submitted on November 1 to allow time for review and re-approval.

D. Exemption Not Required

No exemption is required to drive a state-owned vehicle for state business purposes during Prescribed Working Hours.

## V. Designations of Control Employees

The Director may designate, on a case-by-case basis, any employee of the State of Delaware as “Control Employee” for purposes of this policy upon application and a showing that circumstances warrant such designation. Ordinarily the application will be originated by the Governor’s Office or Cabinet Secretary. Such application shall include information requested by the Director explaining how such designation would serve the purposes of the policy and must be approved by the head of the affected agency. The Director has the authority to re-evaluate the designation of “Control Employee” and all other exemptions contained in the policy at any time.

11/22/2005



Jennifer W Davis, Director